

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

ROBERT KING MALLARD,

Plaintiff,

vs.

KEVIN ROBERTS, EMMET GRISWOLD,
and DR. JIMMY GRAHAM,

Defendants.

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1:05-CV-02(WLS)

O R D E R

Plaintiff, has filed what he has styled as “Motion for Reconsideration of the Magistrates Order Dated April 6, 2005, and Extension of Time to Serve the Defendants and Disqualification 28 U.S.C. 455” [sic]. The title given by plaintiff to his “motion” notwithstanding, he is complaining in large part about the fact that the undersigned did not address his motion seeking appointed counsel at the same time that the undersigned made the initial recommendation that certain claims and defendants be dismissed and the remaining defendants be served. On June 13, 2005, the undersigned entered an order denying plaintiff’s motion for the appointment of counsel. Thus the portions of the instant motion complaining about the motion for appointed counsel not being addressed at the time of the initial recommendation are **DENIED** as **MOOT**.

To the extent that plaintiff’s motion in fact seeks reconsideration of the April 6, 2005, Report and Recommendation, the undersigned states that he carefully considered plaintiff’s complaint prior to entering the recommendation. Upon receipt of plaintiff’s objections to the recommendation the undersigned once again closely scrutinized the complaint and the recommendation in light of plaintiff’s objections. Having done so it is the finding of the

undersigned that no changes should be made to the Report and Recommendation. Thus the motion to reconsider is **DENIED**.

Lastly, again because the court did not address his motion for an appointed counsel at the time of the initial recommendation, plaintiff seeks to have the undersigned removed from this case pursuant to 28 U. S. C. § 455. Evidently, plaintiff perceives some bias or prejudice on the part of the undersigned towards him as the result of the undersigned not ruling upon his motion for appointed counsel at the time of the earlier referenced Report and Recommendation. The undersigned declines to disqualify himself from this matter. The court is acquainted with none of the parties and has absolutely bias or prejudice for or against anyone involved in this matter. The fact that a court does not rule on a particular motion as quickly as the movant would like or that it rules against a movant certainly in and of itself is not indicative of bias or prejudice against the movant. Accordingly, that portion of plaintiff's motion which seeks disqualification of the undersigned is likewise **DENIED**.

SO ORDERED, this 15th day of June 2005.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE